

**CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, MAY 9, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 “C” STREET
SAN DIEGO, CA 92101**

NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, May 9, 2005, and may continue into Tuesday, May 10, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Border Business Park v. City of San Diego*
Appellate Case No. D039225; SDSC Case No. GIC 692794
Otay Acquisitions v. City of San Diego
SDSC Case No. GIC 753247
National Enterprises, Inc. v. City of San Diego
SDSC Case Nos. GIC 791407; GIC 805465

ACA Assigned: Leslie J. Girard

These matters involve a variety of disputes between certain companies owned or controlled by Roque de la Fuente and the City of San Diego [City] regarding the Border Business Park in Otay Mesa. The Border Business Park case resulted in a jury verdict against the City which is now on appeal. The National Enterprises and Otay Acquisitions cases are currently awaiting trial in the Superior Court. The Border Business Park case has been referred to a mediation process in the appellate court. In closed session the City Attorney will report on the status of the mediation and request appropriate direction.

CS-2 *DMIG v. City*

San Diego Superior Court No. GIC 837823

DCA Assigned: Claudia Silva

This case involves a complaint for inverse condemnation based on the alleged use of Plaintiff's property for the SR-56 / Camino Del Sur eastbound off ramp and westbound on ramp, located in Torrey Highlands. In closed session, the City Attorney will update the City Council on the status of the litigation and seek appropriate direction.

CS-3 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*

San Diego Superior Court Case No. GIC 821191

CDCA Assigned: Michael McGuinness

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will request additional funding for the retention of the outside counsel, report on the status of the litigation, and other matters affecting the litigation.

Conference with Legal Counsel – anticipated litigation, pursuant to California Government Code section 54956.9(b):

CS-4 *Furgatch v. San Diego Unified Port District, et al.*

San Diego Superior Court No. GIC 744288

ACA Assigned: Leslie J. Girard

This case concerns the Purchase and Sale Agreement between the City and Port District for the parking lot commonly known as Tailgate Park, near Petco Park. In closed session the City Attorney will advise the Mayor and City Council on the status of the case.

CS-5 *Pyatt v. City of San Diego and Nettleton v. City of San Diego*

Claim numbers: LP05-0534-2006 and LP05-0534-2049

DCA Assigned: Claudia Silva

This litigation concerns two properties damaged in the February 2005 rains. In closed session the City Attorney and Risk Management will update the City Council on the status of the matters and seek further direction.

Conference with Real Property Negotiator, pursuant to California Government Code section 54956.8:

CS-6 Property: City-owned property located at 3889 Midway Drive consisting of approximately 8.36 acres and improved under a 55-year ground lease with a 255-unit apartment complex known as Stonewood Garden Apartments (APN 760-102-67)

Agency Negotiator: William T. Griffith, Real Estate Assets Director

Negotiating Parties: Lessee, MG Stonewood Garden Apartments, L.P.

Under Negotiation: Seeking direction pertaining to an unsolicited proposal from MG Apartments for the purchase of the fee property and a condominium conversion of the existing apartment units.

DCA Assigned: Elisa Cusato

This matter involves an unsolicited proposal from MG Apartments to buy out the City's interest in the property. City staff will be seeking direction on whether to negotiate a purchase agreement and, if so, on what terms. If authorized to proceed, and negotiations are successful, City staff will submit the proposed purchase agreement for Council approval.

CS-7 Property: Tailgate Park

Agency Negotiator: Leslie J. Girard, Assistant City Attorney

Negotiating Parties: City of San Diego and San Diego Unified Port District

Under Negotiation: Status of satisfaction of all conditions necessary to complete transfer of Tailgate Park to the Port District

ACA Assigned: Girard

This matter concerns the parking lot commonly known as Tailgate Park near Petco Park. The City and the Port District entered into a Purchase and Sale Agreement whereby the Port would purchase Tailgate Park from the City. In closed session, the City Attorney will report on the status of the transaction and seek direction with respect to satisfaction of the terms of the Agreement.

Conference with Labor Negotiator, pursuant to Government Code section 54957.6:

CS-8 Agency Negotiators: Lamont Ewell, Bruce Herring, Mike McGhee

Employee Organizations: Municipal Employees Association, Local 127
AFSME, AFL-CIO, Local 145 International Association of
Firefighters AFL-CIO, San Diego Police Officers
Association, The Deputy City Attorneys Association of San
Diego

DCA Assigned: Chris Morris

In closed session, the City's negotiating team will review with the City Council the City's anticipated position with respect to the upcoming meet and confer process. Topics to be discussed include, but are not limited to: 1) salaries and wages, 2) health benefit plans, and 3) retirement benefits, including the recommendations from the Pension Reform Committee. The City Manager and staff will request instructions from the City Council as to those matters.